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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,157	09/12/2003	Eric Damico	KONAMI03-02	8728

52396 7590 04/02/2007  
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EXAMINER
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MOSSER, ROBERT E

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/662,157	<b>Applicant(s)</b> DAMICO ET AL.	
	<b>Examiner</b> Robert Mosser	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 12 and 14 utilize the notation "of 1 - N" and "of 1 - Y" respectively to describe the number of iterations of an expression however, the notation is unclear as such may additionally represent one minus N (or Y). The presented notation creates an ambiguity to claim as formula encompasses negative iterations of an award factor not reasonably defined within the presented claims. For the purpose of examination the presented limitation have been interpreted as "N" and "Y" respectively.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Baerlocher et al (US 6,406,369), herein after referred to as Baerlocher.

Claim 1, 12, and 15: Baerlocher teaches and electronic gaming device including:

A display(Figure 1, Elm 32);

A wager input device(Figure 2, Elm 12, 14);

Means for determining and presenting randomly determined game outcomes on the display as combinations of game symbols(Figure 1, Col 4:66-5:32);

A processor configured to perform the step of determining if the displayed combination of symbols contain a winning combination and award a base game prize responsive to the presence of a winning combination (Elm 36 Col 6:20-30);

Said processor further configured to perform the step of determining if the displayed combination of symbols contain a first bonus trigger (Col 6:20-44) and controlling the display to display a first selection set and second selection set wherein each selection set further includes a plurality of player selections provided by Baerlocher as two player selections per game round (Figure 3, 5, 6) and assign to each selection an associated bonus value/multiplier (Col 6:20-44); and

A player selection device utilized to enter the player selection from each selection set wherein response to said player input the processor controls the display to present an action sequence (animation) associated with the selection in addition to the presentation and awarding of a bonus value to the player (Figure 4, Col 8:56-59, 9:21-51).

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Claims 2-3, and 13: Baerlocher additionally teaches the use of a wager multiplier M and select a number N ("Bet Amount") to repeat the award M such that the resultant award A issued to the player is equal to  $A = N \times M$  (Elm 118, Figure 5).

Claim 4: Baerlocher additionally further teaches the display of a terminating action sequence at the conclusion of the award distribution (Col 9:1-6).

Claims 5, 8-10, and 14: Baerlocher additionally further teaches the use of multipliers in fixed sets and arrangements and therefore inherently sets forth the utilization of multipliers between defined predetermined limits (Col 8:25-33). As the multipliers are presented within fixed ranges the available payout amount would be by necessity also limited by these ranges.

Claim 6, and 11: Baerlocher et al additionally further teaches the assignment of each of said second selection set a prize and to display an action sequence associated with the awarding of the second set prize (Figure 6, Elm 32(a) "first selection set", 32(c) "second selection set",) wherein the claimed action sequence has been provided above in the redress of at least claim 1.

Claim 7: Baerlocher teaches the random determination of a multiplier value associated with each selection (Col 8:10-24).

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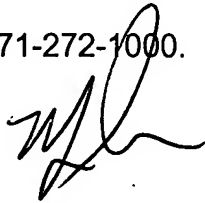
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (571)-272-4451. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

REM  
REM  
March 17<sup>th</sup>, 2007

  
MARK SAGER  
PRIMARY EXAMINER